
**Criminal Justice & Corrections
Committee**

HB 2425

Brief Description: Requiring offenders to be released in the county in which they were convicted.

Sponsors: Representatives Kirby, Morrell, Talcott, Darneille, Conway, Walsh, Grant, Green, Ericks, Campbell and O'Brien.

Brief Summary of Bill

- Requires offenders to be released and reside in the county in which they were convicted.

Hearing Date: 1/17/06

Staff: Yvonne Walker (786-7841).

Background:

Before July 1, 1984, an offender who committed a crime received an indeterminate sentence. Under indeterminate sentencing, an offender convicted by a superior court of Washington and sentenced to an institution was placed under the authority of the Indeterminate Sentence Review Board (otherwise known as the parole board).

Since 1984, offenders convicted in Washington receive determinate sentences and generally serve a term of incarceration in a state correctional facility. However, for some types of offenses and offenders, sentencing courts have the discretion to order alternative to total incarceration sentences, such as the First-time Offender Waiver, Special Sex Offender Sentencing Alternative, Drug Offender Sentencing Alternative, or even partial confinement sentences (i.e., work release, home detention, or work crews).

Depending on when a specific offender committed his or her crime, many sentences can also contain a period of community custody, community placement, or community supervision. Offenders sentenced to a term of community custody, community placement, or community supervision may be subject to rehabilitative conditions, crime-related prohibitions, and supervision by the Department of Corrections (DOC).

Once an offender is released from confinement in a state correctional facility the DOC must provide the offender with his or her retained earnings from employment while incarcerated, suitable clothing, "gate money" consisting of \$40 for subsistence, and transportation by the least

expensive method of public transportation not to exceed \$100 to the offender's place of residence or the place designated in his or her discharge plan. An additional \$60 may be provided to an offender for personal and living expenses upon approval of the offender's community custody officer.

Generally, it is the offender's choice as to where he or she resides upon release from confinement or while serving a term of community custody, unless there is a court order or a community custody condition which may impose residential restrictions or boundaries.

Summary of Bill:

The conditions of community custody including community supervision and community placement for any offender released from a correctional facility must include the requirement that such offender reside in the county in which he or she was convicted. The residential requirement also applies to any offender paroled on or after the effective date of the act unless to do so would contravene a condition of the offender's sentence.

In a case where an offender is required to serve a term of partial confinement or an alternative to total confinement sentence, the court must require that any required term of community custody imposed be served in the county in which the offender was convicted.

The DOC will no longer provide transportation by the least expensive method of public transportation for offenders released to the community. However, the DOC must directly transport any offender released from confinement in a state correctional facility to the county in which such offender was convicted, unless a court of competent jurisdiction has ordered that the offender reside or be released in another county.

Appropriation: None.

Fiscal Note: Requested on January 10, 2006.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed, except for section 3, which takes effect July 1, 2006.